

### **REMARKS**

The Office Action dated July 6, 2009 has been received and reviewed. This response, submitted along with a Petition for a One-Month Extension of, is directed to that action.

The applicants respectfully request reconsideration in view of the foregoing remarks.

#### **Claim Rejections- 35 U.S.C. §103**

The Examiner rejected claims 1-5, 7, 9, 10, 12, 19, 20, 25-27, 29, 33, 34 and 36 under 35 U.S.C. §103(a) as obvious over Duffield et al. (WO 01/36290) and Waeschenbach et al. (WO 00/06688, as evidenced as US 6,800,598) and Chun et al. (US 5,133,892). The applicants respectfully traverse these rejections.

The presently claimed invention is directed to a closure adapted for a bottle, wherein the closure defines a seal in the bottle and comprises two abutting layers, a first hydrophobic layer and a second hydrophilic layer. The applicants submit that a person of ordinary skill in the art would not have been motivated to construct a closure according to the claimed invention based on the cited references.

First, Duffield is directed to a water-soluble container and has absolutely nothing whatsoever to do with a closure adapted for a bottle. Indeed, Duffield doesn't even mention a bottle. Similarly, both Waeschenbach and Chun are detergent tablets, and again, neither comes close to teaching a closure for a bottle, let alone the closure of the presently claimed invention. The Examiner seems to have selected individual components from each of these references and reconstructed the present invention based

on impermissible hindsight because the Examiner has given no reason why a skilled artisan would have prepared a closure for a bottle based on the teachings of the prior art.

Moreover, a skilled artisan would expect that hydrophilic and hydrophobic layer would be incompatible when layered and abutted against one another. Therefore, it was surprising that the manufacture of a bi-layer structure was even possible. However, it was even more surprising and unexpected that the presently claimed arrangement creates the strongest synergistic mutual supporting relationship. (See paragraphs [0039] through [0041]). This effect is neither taught nor suggested in the cited references, or in the knowledge of the skilled artisan. Accordingly, the applicants submit that the presently claimed invention exhibits unexpected and surprising results.

Based on the foregoing reasons, the applicants respectfully submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

#### **CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account  
No. 14-1263.

Respectfully submitted,

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